REMARKS/ARGUMENTS

Consideration of this Amendment After Final Rejection is respectfully requested. Product Claim 1 and method Claim 6 have been amended to include the limitations of Claims 3 and 8 respectively.

Claims 1-10 stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by Massoudy *et al.* The independent claims, as amended, require that cyclosporin be present in an amount from about 2.5 μM to about 10 μM per liter of solution. Massoudy *et al.* disclose a reperfusion solution in which cyclosporin A is present in an amount of only 0.8 μM per liter. Therefore, Massoudy *et al.* cannot anticipate the claims as now amended.

Claims 1-10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Raymond ('462), Jurado *et al.* and Massoudy *et al.*

The patent to Raymond is directed to a preservation solution that includes an isotonic solution for perfusing and storing a heart at room temperature for up to at least 24 hours while waiting transplantation. The Raymond preservation solution requires an amiloride-containing compound and a small amount of adenosine. As previously noted, the preservation solution described in Raymond that includes amiloride and adenosine do not prevent ATP loss inhibiting apoptosis as shown by the claimed invention.

The Massoudy *et al.* article does not teach use of amiloride in any type of solution whatsoever in the claimed amount. Massoudy *et al.* deal with a completely different technical problem over the present application, which is to minimize the reperfusion entry following the ischemic event. The teachings of Massoudy *et al.* show that the level of venus NO recovers faster after the ischemic episode and remains stable if the heart is perfused with the isotonic solution comprising cyclosporin A. Massoudy *et al.* is silent about the effects on an isolated heart preserved in the isotonic solutions disclosed in Massoudy *et al.* Thus, departing from Raymond as the primary reference, there is no particular reason for which one skilled in the art would turn to Massoudy *et al.* because Massoudy does not suggest that the isotonic solution therein disclosed would be particularly suited for preserving solutions for a heart awaiting transplantation.

The article to Jurado *et al.* discusses studies that affect the cardiac muscle after heart transplantation and has nothing whatsoever to do with the claimed.

It is, therefore, respectfully submitted that the claims, as amended, are not obvious over Raymond, Jurado *et al.* and Massoudy *et al.* Specifically, none of the three references teach adding cyclosporin A to any kind of solution whatsoever in the amount claimed; Raymond does not use a cyclosporin, Jurado *et al.* is for treatment after a heart has been transplanted. It is, therefore, respectfully submitted that the cited prior art does not make obvious the solution of Claims 1-2, 4-5 and the process claimed in Claims 6-7 and 9-10.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on February 19, 2004.

Janet F Sherrill

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